

Message

From: Johnston, Tom [TLJ@adem.alabama.gov]
Sent: 8/31/2016 2:40:41 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
CC: Sibley, Shawn S [SSibley@adem.alabama.gov]
Subject: RE: EPA File No.: 13R-16-R4

Lilian:

Sorry for the delay in responding. We are finalizing our responses to the questions discussed during the August 5th conference call and will get those to you before the end of this week, if not sooner. I will notify you as soon as our responses are complete. Please call if you have any questions. Thanks.

Thomas L. Johnston
 General Counsel



Alabama Department of Environmental Management
 Post Office Box 301463
 Montgomery, Alabama 36130-1463
 (334) 271-7855
tlj@adem.state.al.us

From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Wednesday, August 31, 2016 9:13 AM
To: Johnston, Tom
Cc: Sibley, Shawn S; Rhodes, Julia; Biffi, Betsy; Martinez, Brittany; Stein, Jonathan; Temple, Kurt; Lapierre, Kenneth; HALIM-CHESTNUT, NAIMA; Tommelleo, Nancy
Subject: Re: EPA File No.: 13R-16-R4

Hello Tom, just wanted to check in to see when we can expect your response to the additional questions we raised during our August 5th conversation. Thanks very much! Lilian

From: Dorka, Lilian
Sent: Friday, August 26, 2016 10:35 AM
To: Johnston, Tom
Cc: Sibley, Shawn S; Rhodes, Julia; Biffi, Betsy; Martinez, Brittany; Stein, Jonathan; Temple, Kurt; Lapierre, Kenneth; HALIM-CHESTNUT, NAIMA; Tommelleo, Nancy
Subject: RE: EPA File No.: 13R-16-R4

Hello Tom, also meant to ask, with respect to the questions OCR asked during our August 5th call about the other ADEM cases, can we expect a response in the coming week? Thanks very much. Lilian

Lilian Sotolongo Dorka
 Acting Director, EPA, Office of Civil Rights
 202-564-9649
 WJC-N Room 2450

From: Dorka, Lilian
Sent: Thursday, August 25, 2016 7:08 PM

To: 'Johnston, Tom' <TLJ@adem.alabama.gov>

Cc: Sibley, Shawn S <SSibley@adem.alabama.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>

Subject: RE: EPA File No.: 13R-16-R4

Thanks very much Tom!

Lilian Sotolongo Dorka
Acting Director, EPA, Office of Civil Rights
202-564-9649
WJC-N Room 2450

From: Johnston, Tom [mailto:TLJ@adem.alabama.gov]

Sent: Thursday, August 25, 2016 12:43 PM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Lofthouse, Jeremy <Lofthouse.Jeremy@epa.gov>

Cc: Sibley, Shawn S <SSibley@adem.alabama.gov>

Subject: EPA File No.: 13R-16-R4

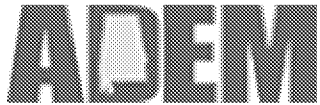
Lillian:

As requested, please find attached the final Order of the Alabama Environmental Management Commission (AEMC) and the hearing transcript in the Dothan Landfill permit appeal, EMC Docket No. 16-01. The Commission's Order, dated August 19, 2016, adopted the Hearing Officer's Recommendation on ADEM's Suggestion of Mootness, and dismissed the appeal as "moot."

This constitutes the final action in this matter. Although § 22-22A-7(c)(6), Code of Alabama (1975), as amended, provides for an appeal to Circuit Court within thirty days of the AEMC decision, in this case Petitioners did not file objections to the Hearing Officer's report pursuant to ADEM Admin. Code r. 335-2-1-.28(1), nor did they request oral argument before the AEMC pursuant to ADEM Admin. Code r. 335-2-1-.28(3). Having failed to exhaust their administrative remedies before the AEMC, Petitioners will be unable to perfect an appeal to Circuit Court.

Accordingly, the dismissal of the Dothan permit appeal is now final. Likewise, Complaint No. 13R-16-R4 is due to be dismissed.

Thomas L. Johnston
General Counsel



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Copy: Jonathan Stein
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